

GENERAL PROVISIONS

§293.1. Objective and Scope of Rules; Meaning of Certain Words.

(a) The commission has the statutory duty and responsibility to create, supervise, and dissolve certain water and water related districts and to approve the issuance and sale of bonds for district improvements in accordance with the Texas Water Code. This chapter, adopted pursuant to §§5.103, 5.105 and 5.235 of the Texas Water Code, shall govern the creation, supervision and dissolution of all general and special law districts subject to and within the applicable limits of the jurisdiction of the commission.

(b) This chapter shall govern the conversion of districts into municipal utility districts as provided in the Water Code, §§54.030 through 54.036.

Adopted September 30, 1996

Effective October 22, 1996

§293.2. Duties, Obligations, and Liabilities.

Nothing in this chapter shall be construed to relieve a district of its legal duties, obligations, or liabilities relative to its responsibilities as defined in the Texas Water Code.

§293.3. Continuing Right of Supervision of Districts and Authorities Created Under Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution.

(a) The powers and duties of all districts and authorities created under the Texas Constitution, Article III, §52, and Article XVI, §59, are subject to the continuing right of supervision of the State of Texas, by and through the commission or its successor, and this supervision may include but is not limited to the authority to:

(1) inquire into the competence, fitness, and reputation of the officers and directors of any district or authority;

(2) require, on its own motion or on complaint by any person, audits, or other financial information, inspections, evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its authority under this subsection;

(4) institute investigations and hearings;

(5) issue rules necessary to supervise the districts and authorities, except that such rules shall not apply to water quality ordinances adopted by any river authority which meet or exceed minimum requirements established by the commission; and

(6) the right of supervision granted herein shall not apply to matters relating to electric utility operations.

(b) the executive director shall prepare and submit to the governor, lieutenant governor, and speaker of the house a report of any findings made under this section.

Adopted September 30, 1996

Effective October 22, 1996

§293.4. Public Records.

(a) Audits on file with a district and all other records and information as set forth in the Texas Water Code, §49.194, shall be maintained in the district office and shall be available to the public during normal business hours as provided in Texas Government Code, Chapter 552.

(b) All records and information required by law to be filed with the agency shall be available for public inspection during the office hours of the agency.

Adopted September 30, 1996

Effective October 22, 1996

§293.5. Petition to Commission.

The provisions of Chapter 281 of this title (relating to Applications Processing) to the contrary notwithstanding, in the event that the executive director has not forwarded to the commission a memorandum recommending approval or disapproval of any application or request required or permitted under this chapter within 90 days after receipt thereof, the petitioner may request that the commission immediately consider such matter on the basis of the materials and data on file with the commission. Within 10 days after the filing of the request, the commission shall hold a hearing on the request. If the commission determines that sufficient material and data have been provided, the commission shall direct the executive director to present to the commission a complete memorandum on the application within 10 days. If the commission determines that sufficient material and data have not been provided, the commission shall specify the additional information and material to be submitted by petitioner. An order directing the executive director to prepare the memorandum shall in no way prejudice the action which the commission may take on the merits of the application.

§293.6. Applications Processing Requirements.

Except as otherwise provided in this chapter, all applications for commission actions authorized by the Texas Water Code and this chapter are subject to and governed by Chapter 281 of this title (relating to Applications Processing) which provides procedures and schedules for processing all applications by the commission, and Chapter 50 of this title (relating to Action on Applications) and Chapter 55 of this title (relating to Request for Contested Case Hearings) as applicable.

Adopted September 30, 1996

Effective October 22, 1996